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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09/997,946
Filing Date: November 30, 2001
Appellant(s): JONES ET AL.

Mark L. Mollon (Reg. 31,123)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed December 4, 2007 appealing from the Office action mailed July 17, 2007.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5991748	Taskett	11-1999
20020046255	Moore at al.	4-2002
WO9821874	Lesley	5-1998
WO9956254	Berry	11-1999

Sprint PCS- Services, www.sprintpcs.com website, 5/8/2001.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2 and 4-11 rejected under 35 U.S.C. 102(b) as being anticipated by Lesley, WO 98/21874 (see attached PTO-892, Ref. N).

3. As per claim 1, Lesley teaches a method for providing prepaid data service to a subscriber terminal in a communications network coupled by a gateway to a data network, the method comprising:

making a determination of whether a balance of a prepaid account of a corresponding subscriber for the data service meets a threshold (see page 15, lines 15-18);

if the determination is that the balance of the prepaid account does not meet the threshold, then passing traffic to a requested destination in the data network(see page 15, lines 18-22)

if the determination is that the balance of the prepaid account meets the threshold, then redirecting the traffic to a self-service portal (see page 15, lines 18-19 and page 16, lines 8-12); and

adding value to the balance of the prepaid account at the self-service portal using the subscriber terminal (see page 16, lines 8-17).

4. As per claim 2, Lesley teaches the method of claim 1 as described above. Lesley further teaches wherein making the determination of whether the balance of the prepaid account meets a threshold comprises comparing the balance of the prepaid account to the threshold (see page 15, lines 24-30).

5. As per claim 4, Lesley teaches the method of claim 1 as described above. Lesley further teaches further comprising sending an alert to the subscriber terminal, the alert providing a notification of prepaid data access available to the subscriber terminal (see page 15, lines 27-30 and page 16, lines 8-12).

6. As per claim 5, Lesley teaches the method of claim 1 as described above. Lesley further teaches further comprising:

establishing a data communication session with a subscriber terminal (see page 14, lines 25-28); and

directing the traffic from the subscriber terminal to the self-service portal in response to establishing the communication session (see page 14, lines 28-30 and page 15, lines 1-13).

7. As per claim 6, Lesley teaches the method of claim 1 as described above. Lesley further teaches further comprising:

establishing a data communication session with a subscriber terminal over an air interface (see page 8, lines 4-12, page 14, lines 28-30 and page 15, lines 1-13),

whereby the traffic is received from the subscriber terminal (see page 14, lines 28-30 and page 15, lines 1-13).

8. As per claim 7, Lesley teaches the method of claim 1 as described above. Lesley further teaches wherein a counter represents the balance of the prepaid account, the method further comprising adjusting the counter as the traffic passes to the requested destination (see page 15, lines 24-27 and page 16, lines 1-7).

9. As per claim 8, Lesley teaches the method of claim 1 as described above. Lesley further teaches further comprising:

subscribing to a billing server to determine the balance of the prepaid account (see page 3, lines 15-16); and

receiving an indication of the balance of the prepaid account from the billing server (see page 3, lines 17-22).

10. As per claim 9, Lesley teaches the method of claim 8 as described above. Lesley further teaches wherein the indication is whether the balance of the prepaid account meets the threshold (see page 3, lines 21-22).

11. As per claim 10, Lesley teaches the method of claim 8 as described above. Lesley further teaches further comprising polling the billing server for the indication of the balance of the prepaid account (see page 13, lines 19-24, page 14, lines 25-28 and page 15, lines 15-18).

12. As per claim 11, Lesley teaches a method of providing prepaid data service to a subscriber terminal I a communications network coupled by a gateway to a data network, the method comprising:

establishing a communication session with the subscriber terminal (see page 8, lines 4-12, page 14, lines 28-30 and page 15, lines 1-13);

making a determination of whether the balance of a prepaid account of a corresponding subscriber for the data service meets a threshold (see page 3, lines 21-22);

if the determination is that the balance of the prepaid account does not meet the threshold, then passing traffic from the subscriber terminal to a requested destination in the data network (see page 15, lines 18-22);

if the determination is that the balance of the prepaid account meets the threshold, then redirecting the traffic from the subscriber terminal to a self-service portal (see page 15, lines 18-19 and page 16, lines 8-12); and

providing an account number to the self service portal using the subscriber terminal to add value to the balance of the prepaid account (see page 14, line 30 and page 15, lines 1-2).

Claim Rejections - 35 USC § 103

13. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

14. Claim 3 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley, WO 98/21874 (see attached PTO-892, Ref. N) in view of Berry, WO 99/56254 (see attached PTO-892, Ref. O).

15. As per claim 3, Lesley teaches the method of claim 1 as described above. Lesley does not explicitly teach comprising selecting a level of prepaid data access to a data network.

Berry teaches selecting a level of prepaid data access to a data network (see page 14, paragraph 2).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Berry to select a level of access on a data network because it allows a user to select and pay accordingly for certain bandwidth for applications like video conferencing as taught by Berry (see page 14, paragraph 2).

16. Claim 12 rejected under 35 U.S.C. 102(b) as being anticipated by Taskett, U.S. Patent No. 5,991,748 (see attached PTO-892, Ref. A) in view of Sprint PCS Services (see attached PTO-892, Ref. U). Hereinafter Sprint.

17. As per claim 12, Lesley teaches a method for providing first prepaid data service to a subscriber terminal in a communications network coupled by a gateway to a data network, the method comprising:

making a first determination of whether a balance of a prepaid account of a corresponding subscriber for the first data services meets a first threshold determined in response to the first data service (see column 7, lines 51-62);

if the first determination is that the balance of the prepaid account does not meet the first threshold, then passing traffic to a first requested destination in the data network corresponding to the first data service (see column 7, lines 51-62);

Lesley does not explicitly teach the concept of a second data service being used with a first data service.

Sprint teaches the concept of a second data service being used with a first data service (see Ref. U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Sprint to modify the Lesley invention to utilize more then one data service at the same time because it would allow a user to do three-way calling with two other people as taught by Sprint (see Ref. U).

18. Claim 13-16, 18-21 and 23-24 and 26-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley, WO 98/21874 (see attached PTO-892, Ref. N) in view of Moore et al., U.S. Patent Application Publication 2002/0046255 (see attached PTO-892, Ref. B).

19. As per claim 13, Lesley teaches a system for providing prepaid data service to a subscriber of a communications network comprising:

a subscriber terminal coupled to the communications network(see page 7, line 30 and page 8, lines 1-8);

a data network (Figure 1, item 12)

a data gateway coupling the communications network (see page 8, lines 21-30 and page 9, lines 16-30);

wherein the data gateway comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for:

passing traffic from the subscriber terminal to a requested destination in the data network if a balance of a prepaid account of the subscriber for the data service does not meet a threshold (see page 15, lines 18-22); and

redirecting the traffic to the web server if the balance of the prepaid account meets the threshold (see page 15, lines 18-19 and page 16, lines 8-12); and

wherein a server comprises a processor, a memory, and computer instructions stored in the memory and executable by the processor for:

adding value to the balance of the prepaid account in response to the balance of the prepaid account meeting the threshold (see page 16, lines 12-17).

Lesley does not explicitly teach the system comprising of a web server coupled to the data gateway.

Moore teaches the system comprising of a web server coupled to the data gateway (see paragraphs 26 and 27).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Moore to utilize a web-server because it allows outside system operators, like online retailers, to utilize

the web-server to brand their own prepaid services using the web-server as taught by Moore (see abstract).

20. As per claim 14, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein a determination of whether the balance of the prepaid account meets the threshold comprises comparing the prepaid account to the threshold (see page 3, lines 21-22).

21. As per claim 15, Lesley and Moore teach the system of claim 13. Lesley further teaches further comprising a policy decision point, the policy decision point having a processor, a memory, and computer instructions stored in the memory and executable by the processor for comparing the balance of the prepaid account to the threshold to determine whether the balance of the prepaid account meets the threshold (see page 3, lines 21-22).

22. As per claim 16, Lesley and Moore teach the system of claim 13. Lesley does not explicitly teach further comprising a self-service portal residing on the web server.

Moore teaches comprising a self-service portal residing on the web server (see paragraphs 26 and 27).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Moore to have the self-service portal reside on a web-server because it allows outside system operators,

like online retailers, to utilize the web-server to brand their own prepaid services using the web-server as taught by Moore (see abstract).

23. As per claim 18, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the data gateway comprises computer instructions stored in the memory and executable by the processor for directing the traffic from the subscriber terminal to the web server in response to a communication session being established with the subscriber terminal (see page 14, lines 28-30 and page 15, lines 1-13).

24. As per claim 19, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the data gateway comprises an entity selected from the group consisting of a PDSN, an MSC, an IWF, a WAP server, and a switch (see page 8, lines 21-27).

25. As per claim 20, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the policy decision point comprises an entity selected from the group consisting of a service agent, a service control point, and a network capabilities gateway (see page 9, lines 16-30).

26. As per claim 21, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the data gateway further comprises computer instructions stored in memory and executable by the processor for sending an alert to the subscriber terminal,

the alert providing a notification of prepaid access available to the subscriber terminal (see page 15, lines 27-30 and page 16, lines 8-12).

27. As per claim 23, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein (i) the subscriber terminal transmits the traffic over an air interface to an access gateway and (ii) the access gateway is coupled to the data gateway by the communication network (see page 8, lines 4-12).

28. As per claim 24, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the subscriber terminal is a wireless terminal (see page 8, lines 4-8).

29. As per claim 26, Lesley and Moore teach the system of claim 13. Lesley further teaches further comprising:

a billing server (see Figure 1, items 40, 42 and 44); and

the data gateway further comprising computer instructions stored in the memory and executable by the processor for:

subscribing to the billing server to determine the balance of the prepaid account (see page 3, lines 15-16); and

receiving an indication of the balance of the prepaid account from the billing server (see page 3, lines 17-22).

30. As per claim 27, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the indication is whether the balance of the prepaid account meets the threshold (see page 3, lines 21-22).

31. As per claim 28, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein the data gateway further comprises computer instructions for polling the subscriber terminal for the indication of the balance of the prepaid account (see page 13, lines 19-24, page 14, lines 25-28 and page 15, lines 15-18).

32. As per claim 29, Lesley and Moore teach the system of claim 13. Lesley further teaches wherein a counter representing the balance of the prepaid account is adjusted as traffic passes to the requested destination (see page 15, lines 24-27 and page 16, lines 1-7).

33. As per claim 30, Lesley teaches a system for providing prepaid data service to a subscriber of a communications network comprising:

means for making a determination of whether the balance of a prepaid account of a corresponding subscriber for the data service meets a threshold (see page 15, lines 15-18);

means for passing traffic to a requested destination in a data network separate from the communications network if the determination is that the balance of the prepaid account does not meet the threshold (see page 15, lines 18-22); and

means for redirecting the traffic to a self-service portal if the determination is that the balance of the prepaid account meets the threshold (see page 15, lines 18-19 and page 16, lines 8-12).

34. Claim 17 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley, WO 98/21874 (see attached PTO-892, Ref. N) and Moore et al., U.S. Patent Application Publication 2002/0046255 (see attached PTO-892, Ref. B) as applied to claim 13 above, and further in view of Berry, WO 99/56254 (see attached PTO-892, Ref. O).

35. As per claim 17, Lesley and Moore teach the system of claim 13 as described above. Lesley and Moore do not explicitly teach wherein the web server further comprises computer instructions for selecting a level of prepaid data service.

Berry teaches wherein the web server further comprises computer instructions for selecting a level of prepaid data service (see page 14, paragraph 2).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Berry to select a level of access on a data network because it allows a user to select and pay accordingly for certain bandwidth for applications like video conferencing as taught by Berry (see page 14, paragraph 2).

36. Claim 22 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley, WO 98/21874 (see attached PTO-892, Ref. N) and Moore et al., U.S. Patent Application

Publication 2002/0046255 (see attached PTO-892, Ref. B) as applied to claim 21 above, and further in view of Taskett, U.S. Patent No. 5,991,748 (see attached PTO-892, Ref. A).

37. As per claim 22, Lesley and Moore teach the system of claim 21 as described above. Lesley and Moore do not explicitly teach wherein the alert is selected from the group consisting of a text message and a voice message.

Taskett teaches wherein the alert is selected from the group consisting of a text message and a voice message (see column 7, lines 63-65).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Moore and Taskett to give a user a verbal warning that time is running low because it allows the user to recharge the account without getting disconnected as taught by Taskett (see column 2, lines 39-52 and column 8, lines12-18).

38. Claim 31 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley, WO 98/21874 (see attached PTO-892, Ref. N) in view of Sprint PCS Services (see attached PTO-892, Ref. U). Hereinafter Sprint.

39. As per claim 31, Lesley teaches a system for providing first prepaid data services to a subscriber of a communications network comprising:

a subscriber terminal coupled to the communications network (see page 15, lines 18-19 and page 16, lines 8-12);

a data network (see Figure 1, item 12)

a data gateway coupling the communications network to the data network (see page 8, lines 21-30 and page 9, lines 16-30);

wherein the data gateway comprises a processor, memory, and computer instructions stored in the memory and executable by the processor for:

passing traffic to a first requested destination corresponding to the first data service in the data network if a balance of a prepaid account of a corresponding subscriber does not meet a first threshold (see page 15, lines 18-22).

monitoring the use of the first data service until a predetermined credit expires (see page 15, lines 22-30)

notifying the first data services that the predetermined credit expires

redirecting the traffic to a self-service portal when the predetermined credit expires;

Lesley does not explicitly teach passing traffic to a second requested destination corresponding to the second data service in the data network if a balance of the prepaid account does not meet a second threshold, monitoring the second service until a predetermined credit expires.

Sprint teaches passing traffic to a second requested destination corresponding to the second data service in the data network, monitoring the second data service (see Ref. U).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley and Sprint to pass traffic to a second data service, monitor the second data service and notify the user when credit is low or has expired because it would allow a user to utilize to two or more data services simultaneously as taught by Sprint (see Ref. U).

40. Claim 32 rejected under 35 U.S.C. 103(a) as being unpatentable over Lesley, WO 98/21874 (see attached PTO-892, Ref. N) and Sprint PCS Services (see attached PTO-892, Ref. U).as applied to claim 31 above, and further in view of Moore et al., U.S. Patent Application Publication 2002/0046255 (see attached PTO-892, Ref. B).

41. As per claim 32, Lesley and Sprint teach the system of claim 31 as described above. Lesley and Sprint do not explicitly teach wherein the data gateway is a WAP server.

Moore teaches wherein the data gateway is a WAP server (see paragraphs 26 and 27).

Therefore, it would be prima facie obvious to a person of ordinary skill in the art at the time of the invention to combine the teachings of Lesley, Taskett and Moore to utilize a WAP server as a data gateway because it allows individual end-users having a web browser to access the system as taught by Moore (see paragraph 26).

(10) Response to Argument

Appellants' argument on pages 6-8 regarding claim 1. Appellant argues that Lesley fails to disclose or teach making a determination of whether a balance of a prepaid account of a corresponding subscriber for a data service meets a threshold, passing traffic to a requested destination in a data network and redirecting traffic to a self-service portal. Examiner disagrees. Examiner notes that Appellant has not specifically defined data service, data network or communications network in the original disclosure. Therefore, Examiner interprets data service to be a phone call. A network can be defined as a group of computers and devices connected by communication facilities for the purpose of sharing, communicating, and transferring data or information. Therefore, Examiner has interpreted a data network and a communications network to be equivalent of each other as cited in previous Office Action dated July 17, 2007. Appellant cites in Appellant's Brief that both networks [data and communications] may typically be primarily digital networks. Appellant also cites that both networks are distinct, however does not provide any insight as to how they are distinct. Once again, Examiner has interpreted a data network and a communications network to be equivalent. Further, based on the definition of a network as recited above, one of ordinary skill in the art would realize that a local exchanges or public telephone exchanges are part of a data or communication network. A basic function of a local exchange is to direct telephone calls between two points. This is accomplished with computers, switches and routers.

Regarding making a determination of whether a balance of a prepaid account of a corresponding subscriber for a data service meets a threshold, Lesley teaches this limitation on page 15, lines 15-18. Lesley specifically teaches the subscriber's database record is checked to determine whether the is sufficient prepaid value…to pay for the requested telecommunications service. Next, depending on the database check, Lesley teaches the network authorizes the requested telecommunications service (see page 15, lines 19-21) which reads on the limitation passing traffic to a requested destination in a data network or the network prompts the subscriber for a monetary amount to be added (see page 16, lines 8-11) which reads on the limitation redirecting traffic to a self-service portal. Appellant argues that Lesley does not disclose a communications network coupled by a gateway to a data network. Examiner disagrees. Examiner points to Figure 1. Lesley discloses telecom devices connected to a communication network, item 12. A gateway is defined simply as a device that connects networks. Item 28, Service Switching Point is a gateway connecting a communication network (item 12) to a local exchange (item 16e). In this case, local exchange (item 16e) is a data network (as defined above) because the local exchange uses computers, routers and switches to transfer data between two points. The data in this case could be voice or other data like a fax.

Appellants' argument on page 8 regarding claim 11. Appellant argues that Lesley fails to show the data service and fails to disclose the passing of traffic related to the data service and redirecting traffic to a self-service portal. Examiner disagrees. As argued above, Lesley teaches the network authorizes the requested

telecommunications service (see page 15, lines 19-21) which reads on the limitation passing traffic to a requested destination in a data network and the network prompts the subscriber for a monetary amount to be added (see page 16, lines 8-11) which reads on the limitation redirecting traffic to a self-service portal. Regarding the data service, Examiner notes that Appellant has not specifically defined data service in the original disclosure. Therefore, Examiner interprets data service to be a phone call which can be seen throughout the Lesley disclose.

Appellants' argument on page 8 regarding claim 12. Examiner notes an error in the rejection as discussed by Appellant on page 9. Examiner mistakenly rejected claim 12 under 35 U.S.C. 102(b) instead of 35 U.S.C. 103(a). Examiner did place the rejection in the area under heading ***Claim Rejections- 35 USC § 103***. In addition, Examiner mistakenly used Lesley instead of Taskett to make the rejection. Appellant realized the error and assumed correctly that a rejection under 103(a) was intended and Taskett not Lesley was the prior art being used.

Appellant argues that Taskett does not teach data services or a data network coupled to a communications network by a gateway. Examiner disagrees. As discussed above, Examiner notes that Appellant has not specifically defined data service, data network or communications network in the original disclosure. Therefore, Examiner interprets data service to be a phone call. A network can be defined as a group of computers and devices connected by communication facilities for the purpose of sharing, communicating, and transferring data or information. Therefore, Examiner has interpreted a data network and a communications network to be equivalent of each

other as cited in previous Office Action dated July 17, 2007. Appellant cites in Appellant's Brief that both networks [data and communications] may typically be primarily digital networks. Appellant also cites that both networks are distinct, however does not provide any insight as to how they are distinct. Once again, Examiner has interpreted a data network and a communications network to be equivalent. Further, based on the definition of a network as recited above, one of ordinary skill in the art would realize that a local exchanges or public telephone exchanges are part of a data or communication network. A basic function of a local exchange is to direct telephone calls between two points. This is accomplished with computers, switches and routers.

Regarding data services or a data network coupled to a communications network by a gateway, Figure 3 of Taskett shows a telephone in a communications network (item 320) with a gateway coupled to a data network (item 308). Further, Taskett teaches in column 4, lines 66-67 and column 5, lines 1-17 that host computer consists of telephone switching equipment suitable for connecting local and long distance telephone calls. This highlights the point that host computer 308 functions as a gateway to local and long distance telephone networks which are data or communication networks in general.

Appellants' argument on pages 9-10 regarding claims 13 and 30. Appellant makes the same argument (Lesley lacks separate communications and data networks) as stated above in claim 1. As argued above, Examiner notes that Appellant has not specifically defined data network or communications network in the original disclosure. A network can be defined as a group of computers and devices connected by

communication facilities for the purpose of sharing, communicating, and transferring data or information. Therefore, Examiner has interpreted a data network and a communications network to be equivalent of each other as cited in previous Office Action dated July 17, 2007. Appellant cites in Appellant's Brief that both networks [data and communications] may typically be primarily digital networks. Appellant also cites that both networks are distinct, however does not provide any insight as to how they are distinct. Once again, Examiner has interpreted a data network and a communications network to be equivalent. Further, based on the definition of a network as recited above, one of ordinary skill in the art would realize that a local exchanges or public telephone exchanges are part of a data or communication network. A basic function of a local exchange is to direct telephone calls between two points. This is accomplished with computers, switches and routers.

Appellant argues that the combination or Lesley and Moore fail to teach the automatic redirection to a self-service portal. In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., self-service portal) is not recited in the rejected claim 13. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

As stated above, Lesley teaches the checking of a database for enough funds for the data service. Depending on the check, Lesley teaches the network authorizes the requested telecommunications service (see page 15, lines 19-21) which reads on the

limitation passing traffic…requested destination in a data network or the network prompts the subscriber for a monetary amount to be added (see page 16, lines 8-11) which reads on the limitation redirecting the traffic to the web server…

Appellants' argument on page 10 regarding claim 31. Appellant makes the same argument (Lesley lacks separate communications and data networks) as stated above in claim 1. As argued above, Examiner notes that Appellant has not specifically defined data network or communications network in the original disclosure. A network can be defined as a group of computers and devices connected by communication facilities for the purpose of sharing, communicating, and transferring data or information. Therefore, Examiner has interpreted a data network and a communications network to be equivalent of each other as cited in previous Office Action dated July 17, 2007. Appellant cites in Appellant's Brief that both networks [data and communications] may typically be primarily digital networks. Appellant also cites that both networks are distinct, however does not provide any insight as to how they are distinct. Once again, Examiner has interpreted a data network and a communications network to be equivalent. Further, based on the definition of a network as recited above, one of ordinary skill in the art would realize that a local exchanges or public telephone exchanges are part of a data or communication network. A basic function of a local exchange is to direct telephone calls between two points. This is accomplished with computers, switches and routers.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Shahid R. Merchant/
Patent Examiner
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Conferees:

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